



Attorney Docket No. A-8752/FT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hammerman, et al.

Serial No.: 09/222,460

Filed: December 29, 1998

For: COMPOSITION AND
METHOD FOR IMPROVING
FUNCTION OF EMBRYONIC
KIDNEY TRANSPLANTS

Group No. 1654

Examiner: A. Gupta

CERTIFICATE OF MAILING

I hereby certify that this correspondence and its listed enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: August 26, 2003

Signature

Traci Ropp

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **Washington University**, represents that it is the assignee of the entire right, title, and interest of

(1) the instant application, 09/222,460, which claims the benefit of the filing date of provisional application 60/070,457, filed January 5, 1998; and

(2) Serial No.: 08/797,201, now U.S. Patent No. 5,976,524, issued November 2, 1999.

Written assignment proof for Serial No. 09/222,460, is recorded in the U.S. Patent and Trademark Office at Reel/Frame 9910/0171. Written assignment proof for Serial No. 08/797,201, now U.S. Patent No. 5,976,524, is recorded in the U.S. Patent and Trademark Office at Reel/Frame 8497/0702. Copies of the assignments are attached to this Terminal Disclaimer.

Washington University hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of Serial No. 08/797,201, now U.S. Patent No. 5,976,524.

Washington University hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Washington University does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of Serial No. 08/797,201, now U.S. Patent No. 5,976,524, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee, Washington University.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 8/26, 2003



Richard F. Trecartin, Reg. No. 31,801

Filed Under 37 CFR § 1.34(a)

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